

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TITUS HENDERSON,

ORDER

Plaintiff,

09-cv-170-bbc

v.

RICK RAEMISCH, PETER HUIBREGTSE,
GARY BOUGHTON, ELLEN RAY,
TOM GOZINSKI, WELCOME ROSE,
AMY SMITH, HELLEN KENNEBECK,
KATHRYN ANDERSON, LARRY PRIMMER,
JANA JUERGENS, MONICA HORNER,
TRISHA LANSING, NANCY SALMON,
ELLEN RAY, C. BEERKIRCHER,
THOMAS TAYLOR, DAVID GARDNER,
LT. BOISEN, BRIAN KOOL, TIM HAINES,
CRAIG TOM, LT. HANFIELD, JOSH BROWN,
H. BROWN, W. BROWN, SGT. FURER,
CO NEIS, SGT. CARPENTER,
SGT. BOARDMAN, SGT. BLOYER,
COII JONES, COII JOHNSON, CO HULCE,
COII KARNOPP, R. STARKEY,
SGT. WALLACE, COII ECKT, COII EWING,
D. ESSER, M. SCULLION, JEROMEY CAYA,
JENNIFER SICKINGER, JOAN WATERMAN,
WENDY THOMPSON, SGT. TREFT,
SGT. COOK and JOHN DOES,

Defendants.

In an order entered in this case on September 8, 2011, I stayed plaintiff Titus Henderson's motion to waive his \$0.03 initial partial payment in this case and directed him to submit a recent six-month trust fund account statement by September 30, 2011. Plaintiff has now submitted his trust fund account statement.

From plaintiff's recent six-month trust fund account statement, it appears that he presently has no means with which to pay an initial partial payment of the \$350 fee for filing his complaint. Accordingly, the amended complaint that plaintiff submitted on August 25, 2011 will be taken under advisement. As soon as the court's calendar permits, plaintiff's amended complaint will be screened pursuant to 28 U.S.C. § 1915(e)(2) to determine whether the case must be dismissed either because the complaint is frivolous or malicious, fails to state a claim on which relief may be granted or seeks monetary relief against a defendant who is immune from such relief.

Plaintiff's motion to waive the initial partial filing fee, dkt. #22, in this case will be denied. The in forma pauperis statute does not permit a court to entirely waive a plaintiff's obligation to pay filing fees. All it does is allow a court to grant qualifying individuals leave to proceed without prepayment of some or all of the filing fee. Plaintiff should be aware that he is obligated to pay the \$350 filing fee, even if this court determines that he will not be permitted to proceed with his complaint in forma pauperis and even if he does not presently have funds with which to pay the fee. 28 U.S.C. § 1915(b)(1). Plaintiff's account will be monitored and the fee must be taken in monthly installments when the funds exist.

ORDER

IT IS ORDERED that

1. Plaintiff Titus Henderson's proposed amended complaint, dkt. # 23, is taken under advisement for screening. Plaintiff will be notified promptly when a decision has been made.
2. Plaintiff's motion to waive the initial partial payment in this case, dkt. # 22, is DENIED. The Clerk of Court is requested to ensure that the court's financial records reflect that plaintiff Henderson owes the \$350 fee for filing this case, in accordance with the requirements of the Prison Litigation Reform Act.

Entered this 20th day of September, 2011.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge